



# **North Carolina General Assembly**

## **ENVIRONMENTAL REVIEW COMMISSION**

### **MINUTES**

April 15, 2010

10 a.m.

Room 544

Legislative Office Building

### **Welcome, Attendance, and Regular Commission Business**

The Environmental Review Commission of the North Carolina General Assembly met Thursday, April 15, 2010 in Room 544 of the Legislative Office Building. Co-Chairman Pryor Gibson presided.

In attendance with Chairman Gibson were Senator Katie Dorsett, Senator Ellie Kinnaird, Senator A. B. Swindell, Advisory Member Senator Fletcher Hartsell, Representative Cullie Tarleton, Representative Ruth Samuelson, Representative Edith Warren and Representative Larry Womble. Staff present were Senior Commission Counsel Jennifer McGinnis, Senior Commission Counsel Jeff Hudson, Commission Counsel Susan Iddings, Commission Counsel Tim Dodge, Commission Analyst Jennifer Mundt, Research Assistant Mariah Matheson and Commission Assistant Jessica Kozma Proctor.

Chairman Gibson promptly called the meeting to order at 10 a.m. He thanked Commission members and staff for their participation and welcomed guests. He said that he was happy to chair on a day with a "fun" agenda, and asked that the Commission promptly begin their work for the day's meeting.

Chairman Gibson then asked Ms. McGinnis if she had any comments to make before recognizing the first presenter. Ms. McGinnis said she did not, save that there were two sets of minutes ready for approval. After a motion by Senator Bingham and seconded by Co-Chairman Gibson, minutes for the February and March Commission meetings were unanimously approved. Ms. McGinnis added that the next meeting was scheduled for May 11, 2010, and that a notice for this meeting would be emailed to members and interested parties.

Senator Bingham asked about and confirmed the next meeting time. Ms. McGinnis then said that Mr. Lewis R. Ledford, Director of the Division of Parks and Recreation with the Department of Environment and Natural Resources (DENR) would show a newly produced video about the State's park system.

**Annual report on the Parks and Recreation Trust Fund, Fiscal Year 2008-2009  
(G.S. 113-44.15) and a Division of Parks and Recreation Video titled “Conservation,  
Innovation: North Carolina State Parks”**

Chairman Gibson welcomed Mr. Ledford to the Commission meeting. Ms. McGinnis noted that the State’s park system was recently recognized by the National Recreation and Parks Association for advances in conservation. A copy of this film may be found online at [www.ncleg.net](http://www.ncleg.net).

Mr. Ledford thanked Chairman Gibson, Ms. McGinnis and Commission members. He then showed the video about the Division’s work. The video reviewed park development, goals and advances as well as economic impacts on the State’s regions.

Concluding the video, Mr. Ledford presented the Division’s annual report. A copy of this report may be found at the Commission’s website at [www.ncleg.net](http://www.ncleg.net) and is also attached to the minutes.

The Parks and Recreation Trust Fund was established in 1994 to: provide funding for State park land acquisition and capital improvement projects; fund grants to local governments for local park and recreation and to; bolster and manage the State’s coastal and estuarine beach access program. Of these purposes, a majority of its funding, some 65 percent of its annual budget for the fiscal year 2008-2009 is used for State parks, with 30 percent for local government grants and 5 percent for beach access.

The Trust Fund’s revenues are generated mostly by a \$1 per \$500 tax valuation for real estate transfer as well as funds from the State’s general fund, Mr. Ledford reported. As with many other programs, revenues have declined as a result of the economic recession, Mr. Ledford reported.

Reviewing local government grants, Mr. Ledford said that the Trust Fund may be of assistance to local governments seeking monies for providing recreational spaces for its residents. The maximum grant is \$500,000, he reported. For all grants, the awarded local government has a dollar-to-dollar match requirement. One benefit for local governments, he said, was that they may use the value of donated land as a match for their grant money. Typically, he noted, local governments contribute \$2 for every \$1 dollar granted.

Mr. Ledford continued and reviewed important dates to apply for a local grant as well as scoring criteria to award grants. These include the number of recreational facilities provided, project planning, public involvement, land acquisition and park quality.

In 2009, there were 85 applications received with \$85.7 million in land acquisition and recreational facilities, with \$27 million in grant requests. Of these, 22 grants were awarded with a total of \$24.2 million, with \$16 million matched by local governments. He added that grant requests have consistently exceeded available funds.

Reviewing examples of the Fund’s awards, Mr. Ledford said that the Town of Emerald Isle was recently assisted in acquiring land to build the largest public boat launching facility on the State’s coast. He also discussed recent improvements to the

Town of Matthew's largest park, Squirrel Lake, and land acquisition by the City of Asheville for its Beaucatcher Overlook Park.

Looking at capital improvement projects, Mr. Ledford reported that the Trust Fund funded nine projects totaling \$7.7 million. These projects included: improvements to Dare County's Jockey's Ridge State Park, Rockingham County's Haw River State Park and Transylvania County's Gorges State Park.

Mr. Ledford reviewed recent land acquisition projects as well as the completed Fort Macon State Park Coastal Education and Visitor Center.

Closing his report, Chairman Gibson thanked Mr. Ledford for his presentation and his work with the Trust Fund. He then called for discussion among Commission members. With little discussion, Chairman Gibson recognized the next presenter.

**Annual report on awards from the North Carolina Natural Heritage Trust Fund,  
Fiscal Year 2008-2009 (G.S. 113-77(e))**

Chairman Gibson recognized Ms. Lisa D. Riegel, Executive Director of the North Carolina Natural Heritage Trust Fund to present on the Trust Fund's recent business for the year of 2008-2009. Ms. Riegel thanked the Chairman.

A copy of her presentation is included with these minutes and may also be found on the Commission's website at [www.ncleg.net](http://www.ncleg.net).

Ms. Riegel reviewed the Trust Fund's mission: "to protect natural and cultural heritage lands." She reported that the fund achieves this through "recreation, scientific, education, cultural and aesthetic purposes; additions to state parks, trails, forests, wildlife areas; historic properties program and other beneficial use and enjoyment by the public." She then reported that her program was the oldest of the State's four trust funds, with this fund established in 1987. She added that there is a 12-member board for the Trust Fund, and that the Trust Fund accepts applications from four State agencies with awards given twice a year.

Covering the financials of the Trust Fund, she noted that income for the Fund peaked during the real estate boom but has declined to approximately the same amount as in fiscal year 2002. She continued saying that the Fund can only award roughly half its applications. For the year 2009, the Fund awarded 18 projects covering some 4,000 acres with a total cost of \$10 million. Because of a budget shortfall from the State's compromised budget, the Fund transferred \$2.8 million to cover ongoing projects. During this period, the program would "slow down, not stop," she said.

Ms. Riegel then reported on individual ongoing projects. These projects include Kitty Hawk Woods, the Overmountain National Historic Victory Trail, Rose Creek (Blue Ridge Parkway), Bachelor Creek Nature Preserve (Randolph County), Stagville State Historic Site (Durham County) and Ochlawaha Bog (Henderson County).

She concluded her report reviewing current goals of the Trust Fund. These include maximizing federal matching monies, considering the role of climate change in future planning, continuing projects even if delayed due to economic reasons, prioritizing and coordinating with other funds and utilizing private funds.

Chairman Gibson thanked Ms. Riegel and called for discussion among Commission members. Hearing none, he moved to the next presenter. He also gave Ms. Riegel a “good job” for her report to the Commission.

**Annual report on the implementation of the Clean Water Management Trust Fund (G.S. 113-A-257)**

Chairman Gibson then recognized Mr. Richard Rogers, Jr., Executive Director of the Clean Water Management Trust Fund to present. A copy of a memorandum presented to President Pro Tem Marc Basnight, Speaker Joe Hackney; chairmen of the Joint Legislative Commission on Government Operations and Environmental Review Commission; Chairmen of the Subcommittee on Appropriations for Natural and Economic Resources and the Division of Fiscal Research of the General Assembly is attached to the minutes and may also be found at the Commission’s website at [www.ncleg.net](http://www.ncleg.net). A second handout, a copy of Mr. Roger’s presentation to the Commission, is attached to the minutes and uploaded to the Commission’s website.

Mr. Rogers began reviewing the Trust Fund’s mission. Created by the General Assembly, the Fund has existed since 1996. He then reviewed its mission: “to restore and enhance degraded waters; protect and conserve unpolluted waters; eliminate water pollution; create a network of riparian buffers and greenways; and, fund innovative systems as demonstrations. He added that the Fund is “not strictly conservation.”

Continuing, Mr. Rogers said that since its beginning, the Fund has awarded more than 1,340 grants, with more than of \$943.3 million in awards. Of these awards, roughly 4,900 miles of buffers were reserved as well as 454,944 acres of land protected in 98 of 100 of the State’s counties. He then reviewed ongoing projects beginning in Fiscal Year 2008. Of these, 34 projects were acquisitions, 37 restoration or stormwater projects and 31 wastewater projects with a total cost of \$48,164,587. A focus for 2009, he reported, was to realize funds, including \$5,248,500 on 11 projects with American Recovery and Reinvestment Act monies.

For the year 2010, there are 100 projects from 2008 that remain, with a total cost of \$40,223,594. In all, there are 227 projects for the year 2010, including 83 acquisition projects, 14 greenway, 66 restoration or stormwater, and 64 wastewater projects.

Nearing the end of his presentation, Mr. Rogers said that the Fund’s focus is to “continue being of importance to the North Carolina economy.” He added that the fund also has a presence in the agricultural and military economies. Chairman Gibson thanked Mr. Rogers.

**Annual report on the activities of the North Carolina Development and Farmland Preservation Trust Fund Committee (G.S. 106-744(i))**

Mr. D. Dewitt Hardee, Environmental Program Manager with the Department of Agricultural and Consumer Services was recognized by Chairman Gibson. A copy of Mr. Hardee’s presentation may be found online at the Commission’s website at [www.ncleg.net](http://www.ncleg.net) or attached to these minutes. A booklet published by the Fund was also

distributed to membership, and may also be found at the Commission's website or attached to the minutes.

Mr. Hardee thanked the Chairman and the Commission for the opportunity to present. He reviewed the Fund's mission, "to fund projects to encourage the preservation of qualifying agricultural, horticultural and forestlands to foster the growth, development and sustainability of family farms."

Summarizing the 2009-2010 grant cycle, in what he termed as "Cycle II," Mr. Hardee said that \$4 million was available for funding, with 70 applications submitted that totaled more than \$15 million in grant requests. Of these, 35 were awarded so far, totaling more than \$3.9 million in grants.

Projects included in these awards were conservation easements, agricultural plans and agricultural development projects. Regarding "Cycle III" projects which are currently under review for the 2010-2011 funding cycle, 30 applications for perpetual easement projects were made, with a total grant request of \$6.262,598. Mr Hardee continued reviewing slides regarding farm preservation efforts, noting that there are currently 76 counties with voluntary agricultural districts in place, as well as 16 counties with enhanced voluntary agricultural districts and 11 county-wide farmland protection areas plans created.

Mr. Hardee thanked the Commission. Chairman Gibson called for discussion. With little discussion, he thanked Mr. Hardee and welcomed the next presenter.

Senator McKissick asked about agricultural protection plans. Mr. Hardee said work is done with county governments to identify resources in that county, and then described how to secure and plan for those resources. Senator McKissick asked whether Mr. Hardee followed up to investigate the plan's success once in process. Mr. Hardee said there was a "ground roots" approach, and that there is an advisory group to link all parties together with a yearly review.

### **Update on Land for Tomorrow**

Mr. Tom Cors, the Director of Government Relations for the North Carolina chapter of The Nature Conservancy was recognized by Chairman Gibson. Mr. Cors' presentation may be found attached to these minutes or on the Commission's website at [www.ncleg.net](http://www.ncleg.net). A second handout, "Economic Benefits of Land Conservation—North Carolina 2010," was also distributed to Commission membership, and may also be found attached to the minutes or on the Commission's website.

Mr. Cors read Land for Tomorrow's mission: "A partnership of organizations and North Carolinians with a common goal: increasing funding for land and water conservation." He reported that Land for Tomorrow benefits the State by preserving family farms, forests, stream banks, game lands, parks, greenways and trails. Land for Tomorrow also aids the State's economy in agriculture, tourism, forestry, hunting, fishing and wildlife watching, protecting (the State's) natural heritage, protecting quality of life and protecting clean water.

Mr. Cors reported that although the State was currently in a "tough" economic time, Land for Tomorrow continued strong support for conversation, and added that a

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poll conducted in 2009 showed that roughly 75 percent of the State's residents supported funded conservation efforts. He reviewed specifics on conservation's impact on various aspects of the State's economy.

Mr. Cors completed his presentation and was thanked by Chairman Gibson. The Chairman then called for discussion. Hearing none, he then called for other Commission discussion or business. He noted that former Chairman Lucy Allen had resigned to join the State Utilities Commission, and asked that Commission staff keep her updated on clean water efforts. The meeting was adjourned at 11:52 a.m.

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Co-Chairman Pryor Gibson  
Presiding

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Co-Chairman Bob Atwater

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Jessica Kozma Bennett  
Commission Clerk